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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,938

11/21/2003

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29175 7590 08/22/2007  
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EXAMINER

BLOOM, NATHAN J

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

08/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/719,938

Applicant(s)

YOSHIMURA ET AL.

Examiner

Nathan Bloom

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicants' response to the last Office Action, filed on May 31<sup>st</sup>, 2007 has been entered and made of record.

#### ***Response to Amendment***

The 35 USC 101 rejection of instant claim 8 has been withdrawn as the amendment has placed the subject matter of the claims into a statutory category.

The objection to instant claim 6 as being in improper dependent form has been withdrawn as the amendment has corrected the dependency of the claim.

#### ***Response to Arguments***

1. Applicant's arguments filed 05/31/2007 have been fully considered but they are not persuasive.

The arguments regarding to the independent claims 1 and 7-9 that Wallace, and Wallace in view of Abe do not teach the limitation "*calculating a difference among  $2N$  consecutive frames, between a sum in recent  $N$  frames and a sum in other  $N$  frames for each pixel*". As per rejection original rejection of instant claim 1 Wallace teaches the differencing of 2 consecutive frames between a sum of 1 ( $N=1$ ) and a sum of 1 ( $N=1$ ) other frames for each pixel. The requirement of more than  $N=1$  is not stated as part of the limitations of instant claims 1 and 7-9 thus Wallace

Art Unit: 2624

and Wallace in view of Abe sufficiently teach the limitations of instant claims 1 and 7-9 as per the previous rejections.

2. Applicant's arguments, see the response, filed on May 31<sup>st</sup> 2007, with respect to the rejection of claim 1 have been fully considered and are not persuasive (as discussed above). However, in light of this argument the 35 USC 102(e) rejection of the dependent claim 3 has been withdrawn.

Given the applicants current arguments and the newfound understanding of the limitation of instant claim 1 that the difference is among 2N consecutive frames wherein each set of N frames must be a sum of frames the limitation of claim 3 that N=2 is not taught by Wallace or Wallace in view of Abe and thus the rejection of instant claim 3 has been withdrawn and will be objected to as being dependent on a rejected claim.

***Allowable Subject Matter***

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The requirement of instant claim 3 that N=2 is not taught by Wallace as Wallace only teaches the case where N=1 and does not include the summation of multiple consecutive frames. However, Otsuki (US 5877804) teaches the summation of multiple reference frames and the difference of these multiple frames from a single current frames, but does not teach the

Art Unit: 2624

summation of the current and recent frames nor does Otsuki teach the summation the use of 2N consecutive frames.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Otsuki (US 5877804) – summation of multiple reference frames.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Bloom whose telephone number is 571-272-9321. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm (EST).

Art Unit: 2624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed, can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan Bloom



SAMIR AHMED  
PRIMARY EXAMINER